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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF ALASKA

MAGGIE TOPKOK,)	
)	
Plaintiff,)	
)	
v.)	
)	
UNITED STATES OF AMERICA,)	
)	Case No. 3:07-CV-_____
Defendant.)	
_____)	<u>COMPLAINT</u>

Plaintiff Maggie Topkok, through counsel Angstman Law Office, for her complaint
against the defendant, states and alleges as follows:

JURY DEMAND

Plaintiff hereby requests a trial by jury.

PARTIES AND JURISDICTION

Complaint
Topkok v. United States

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1. This action arises under the Federal Tort Claims Act, 28 U.S.C. § 1346(b), and §§ 2671 *et seq.*
2. Plaintiff currently resides in Teller, Alaska. At all times relevant to the allegations and claims in this complaint, Plaintiff has resided in Alaska. The acts and omissions giving rise to this complaint occurred in Anchorage, Alaska.
3. The Alaska Native Medical Center (“ANMC”) is a non-profit corporation organized pursuant to Alaska law. Upon information and belief, ANMC is a corporation in good standing in the State of Alaska.
4. The United States has assumed tort liability under the Federal Tort Claims Act for the negligent acts of ANMC employees.
5. This court has jurisdiction over the subject matter of this action under 28 U.S.C. §1346(b). An administrative claim has been presented and no final disposition of the claim has been made within six months of presenting the claim.

BACKGROUND FACTS

6. On May 30, 2005 Plaintiff gave birth to a baby boy. The high-risk delivery was performed by a midwife at ANMC without medical supervision.
7. During the birthing process Plaintiff experienced significant vaginal tearing.
8. On June 2, 2005 medical personnel at ANMC attempted to repair the torn, damaged area.
9. The repair work resulted in an infection causing her to be readmitted to the hospital on June 6, 2005, where she remained for five days for treatment.

10. The repair work was unsuccessful, resulting in additional infections and requiring further surgery.

**FIRST CAUSE OF ACTION
NEGLIGENCE**

11. Plaintiff realleges and incorporates Paragraphs 1-10, above.
12. At the above-mentioned time and place, Defendant, through its agents, servants and employees, was negligent in one or more of the following respects:
 - a. Failing to adequately supervise the high-risk delivery of Plaintiff's baby by the mid-wife.
 - b. Failing to successfully treat Plaintiff.
 - c. Causing Plaintiff to continue to suffer pain and discomfort in a very sensitive area.
 - d. Causing Plaintiff to undergo further medical and surgical treatment.
 - e. Causing Plaintiff to undergo a second surgery and recovery period.
 - f. Causing Plaintiff to be unable to have contact with her newborn child.
 - g. Causing Plaintiff to suffer emotional distress and loss of consortium as a result of being unable to nurture and bond with her newborn child.
13. As a direct and proximate result of one or more of the foregoing negligent acts or omissions on the part of Defendant, Plaintiff sustained economic and non-economic damages, the precise amount of which will be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Maggie Topkok prays that the court grant her the following relief:

1. An award of economic and non-economic damages, the precise amount of which will be proven at trial;
2. Allowable costs and attorney's fees; and
3. Such other relief as the court deems equitable and just.

RESPECTFULLY SUBMITTED this ____ day of August, 2007.

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